

shown to be a critical variable in the practice of the current invention. It is respectfully submitted that claims 13 and 15 are patentable over Peled et al. for the reasons set forth below.

Applicants' invention as recited in claim 13 includes a feature that is neither disclosed nor suggested by the art of record. Namely,

0.01-10 parts by weight in 100 parts by weight of active substance...

This feature is described in Applicants' originally filed application at page 8, line 188.

In the present invention, as claimed in claim 13 and dependent claim 15, the content of ceramic by weight is a critical feature. Applicants employ a reduced amount of ceramic in at least one electrode to achieve greater discharge capacity per unit weight of ceramic in one or both of the electrodes. For example, as shown in Figure 5 of the instant application as originally filed, a discharge capacity of 2.0 mAh may be achieved in electrodes having (1) approximately 3 weight percent alumina particle content or (2) 18 weight percent alumina particle content. On page 19, line 504 through page 20, line 514 of the application as originally filed, the discharge capacity is described in terms of the additive amount of Al_2O_3 particles.

Peled et al. merely disclose an active material with approximately 17.4% alumina, by weight. In the present invention, the weight percent of alumina particles is critical because a discharge capacity of between about 1.5 mAh and about 2.8 mAh may be attained while employing significantly less weight percent alumina particle content in a positive electrode. It is because the present invention uses substantially less alumina while maintaining the discharge capacity at desirable levels, that the present invention is nonobvious in view of the cited reference. As outlined in the example above relating to discharge capacity, in the present invention a discharge capacity of 2.0 mAh has been attained (at 3 weight percent alumina) while using approximately 83% less alumina.

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Therefore, the critical range of alumina is within the range of about 0.01-10 weight percent as claimed, and not between 0.0 weight percent and 24 weight percent as recited in the Official Action. Applicants have shown that the claimed ranges impart more than a difference in degree to make the invention as a whole separately patentable over the cited art. See *In re Wertheim*, 541 F.2d 257 (C.C.P.A. 1976). The claims recite this nonobvious range and accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103.

Claims 1, 2, 5, 7, 8, and 10-12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Peled et al. in view of Kawakami, U.S. Patent 5,888,666 or Blonsky, U.S. Patent 5,648,011. It is respectfully submitted that these claims are patentable over the art of record for the reasons set forth above.

Furthermore, as recited in claim 1, Applicants use a gel polymer (which is a mixture of polymer and electrolytic solution). Conversely, Peled et al. is directed to a composite solid electrolyte which does not include electrolytic solution but rather includes polymer electrolyte.

Specifically, as shown on page 8 of Peled et al., lines 14-21, aluminum oxide particles produce a thin MX layer or solid complex with the polymer. The particles are bound together by means of a polymer electrolyte or polymer binder. For this reason, adding aluminum oxide particles is effective for enhancing discharge capacity in Peled et al. In other words, the polymer electrolyte plays an important role in the invention of Peled et al.

Accordingly, Applicants submit that neither Peled et al. nor Kwakami nor Blonski, either alone or in combination, render obvious the claims. Thus, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103.

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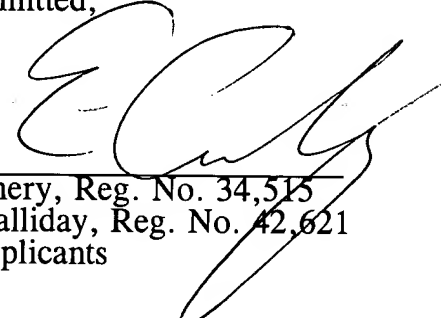
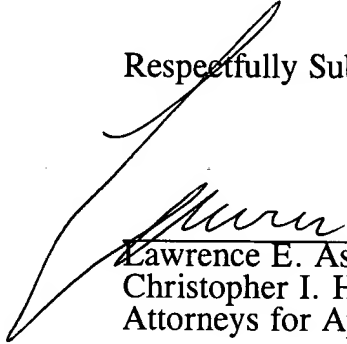
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Summary

In the view of the foregoing amendments and remarks, this application is in a condition for allowance and Applicants respectfully request early and favorable notification to that effect.

Respectfully Submitted,



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